

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
Richmond Division

In re:

CIRCUIT CITY STORES, INC., *et al.*,

Debtors.

Case No. 08-35653-KRH
Chapter 11
(Jointly Administered)

ORDER

Upon consideration of the *Motion of the Liquidating Trustee to Determine Extent of Liability for Post-Confirmation Quarterly Fees Payable to the United States Trustee Pursuant to 28 U.S.C. § 1930(a)(6) and Memorandum in Support* [ECF No. 14197] (the “Motion to Determine”) filed by Alfred H. Siegel (the “Liquidating Trustee”), Trustee of the Circuit City Stores, Inc. Liquidating Trust (the “Liquidating Trust”) and the *United States Trustee’s Motion for Summary Judgment on the Motion of the Liquidating Trustee to Determine Extent of Liability for Post-Confirmation Quarterly Fees Payable to the United States Trustee Pursuant to 28 U.S.C. § 1930(a)(6) and Memorandum in Support* [ECF No. 14202] (the “Motion for Summary Judgment”) filed by the Office of the United States Trustee (the “U.S. Trustee” and, together with the Liquidating Trustee, the “Parties”); the Court having reviewed the Parties’ pleadings and having considered the arguments of counsel at the hearing conducted on June 12, 2019; after due deliberation on the record herein; and for the reasons set forth in the accompanying memorandum opinion entered substantially contemporaneously herewith, it is hereby **ORDERED, ADJUDGED, AND DECREED** that:

1. The Motion for Summary Judgment is **DENIED**.
2. The Motion to Determine is converted to a complaint (the “Complaint”).

3. The Clerk of the Court shall open an adversary proceeding (the “Adversary Proceeding”), styled as *Alfred H. Siegel, as Trustee of the Circuit City Stores, Inc. Liquidating Trust v. John P. Fitzgerald, Acting United States Trustee for Region Four*.

4. The Clerk of the Court shall assign the Adversary Proceeding the next available adversary proceeding number.

5. The Clerk shall docket the Motion to Determine as the Complaint in the Adversary Proceeding.

6. The filing fee for the Adversary Proceeding is hereby **WAIVED**.

7. All relevant filings in Case No. 08-35653-KRH prior to the entry of this Order shall be deemed docketed in the Adversary Proceeding. Any future pleadings relating to the Complaint shall be filed in the Adversary Proceeding. In light of the foregoing, the Clerk shall not issue a summons in the Adversary Proceeding.

8. The Clerk shall docket a copy of this Order and the accompanying Memorandum Opinion in Case No. 08-35653-KRH and in the Adversary Proceeding.

9. The relief requested in the Complaint is **GRANTED**.

10. The quarterly fees due and payable by the Liquidating Trust since January 1, 2018 shall be determined based on the fee schedule set forth in the prior version of 28 U.S.C. § 1930(a)(6) effective on September 30, 2017. As to payments previously made by the Liquidating Trustee to the U.S. Trustee, the rights and defenses of both Parties are reserved.

DATED: July 15, 2019

/s/ Kevin R. Huennekens
UNITED STATES BANKRUPTCY JUDGE

ENTERED ON DOCKET:

July 15 2019

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